

UNITED STATES DISTRICT COURT  
 Eastern District of Virginia  
 Richmond Division

APP 2 8 2005

UNITED STATES OF AMERICA

v.

Case Number 3:04CR00271-009

DRAFT

OMARI S. TOOMER,

USM Number 63291-053

Defendant.

**JUDGMENT IN A CRIMINAL CASE**

The defendant, OMARI TOOMER, was represented by MATTHEW P. GEARY, ESQ. AND RICH LANDES, ESQ.

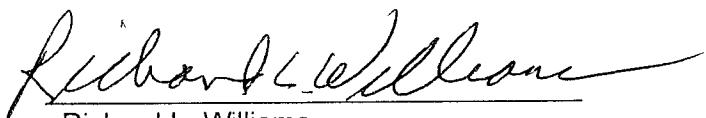
The defendant pleaded guilty to count(s) 1. Accordingly, the defendant is adjudged guilty of the following count(s), involving the indicated offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 U.S.C. 846	CONSPIRACY TO POSSESS WITH THE INTENT TO DISTRIBUTE AND TO DISTRIBUTE MARIJUANA (Felony)	7/13/2004	1

As pronounced on April 28, 2005, the defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and 18 U.S.C. 3553.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Signed this 28th day of April, 2005.



Richard L. Williams  
 United States District Judge



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 CLERK, U.S. DISTRICT COURT

BY   
 DEPUTY CLERK

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Defendant: OMARI S. TOOMER  
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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THIRTY-SEVEN (37) MONTHS. THE COURT DIRECTED THAT THE DEFENDANT RECEIVE CREDIT FOR TIME INCARCERATED ON THIS CHARGE, PURSUANT TO TITLE 18 U.S.C. 3585.

The court makes the following recommendations to the Bureau of Prisons:  
THAT THE DEFENDANT BE DESIGNATED TO A FACILITY NEAR FAMILY; DESIGNATE DEFENDANT TO FT. DIX, FCI.  
THAT THE DEFENDANT PARTICIPATE IN EDUCATIONAL TRAINING; AND  
THAT THE DEFENDANT PARTICIPATE IN THE BOP-500 HOUR INTENSIVE DRUG TREATMENT PROGRAM.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons on June 1, 2005 at 1:00 p.m. If arrangements have not been made with FCI Fort Dix, defendant is to report to the U.S. Marshal in Brooklyn, NY.

**RETURN**

I have executed this Judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this Judgment.

Mailed:

c: P.O. (2) (3)

Mshl. (4) (2)

U.S. Atty.

U.S. Coll.

Dft. Cnsl.

PTS

Financial

Registrar

ob

United States Marshal

Deputy Marshal

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Defendant: OMARI S. TOOMER  
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**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of FOUR (4) YEARS.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

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### STANDARD CONDITIONS OF SUPERVISED RELEASE

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below):

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **SPECIAL CONDITIONS OF SUPERVISION**

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional conditions:

- 1) The defendant shall participate in a program approved by the Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial cost to be paid by the defendant, all as directed by the probation officer.
- 2) The defendant shall provide the probation officer with access to requested financial information.
- 3) The defendant shall apply monies received from tax refunds, lottery winnings, and any anticipated or unexpected financial gains to the Court-ordered financial obligation.

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**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the total monetary penalties under the schedule of payments on Schedule of Payment - Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$7,500.00	
<b>Total</b>	<b>\$100.00</b>	<b>\$7,500.00</b>	

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**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.